

Naples City Council

February 10, 2022

Minutes

The regularly scheduled meeting of the Naples City Council was held February 10, 2022, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

DATE, TIME & PLACE OF MEETING

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dennis Long, Dan Olsen and Kenneth Reynolds.

COUNCIL MEMBERS ATTENDING

Others attending were Christy Young, Bret Reynolds, Troy Ostler, Rachel Crabb, Jessy McKee, Brooks Jones, Stephanie Adams, Scott Adams, Ryan Cook, Szeth Simmons, Nathan Simper, Micheal Davis and Nikki Kay.

OTHERS ATTENDING

Mayor Dean Baker welcomed everyone and called the meeting to order at 7:30 p.m. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Dennis Long offered the invocation.

OPENING CEREMONY

Mayor Baker asked for approval of the agenda. Robert Hall **moved** to approve the agenda. Dan Olsen **seconded** the motion. The motion passed with all in attendance voting aye.

AGENDA APPROVED

The minutes of the regular city council meeting of January 27, 2022 were presented for approval. Kenneth Reynolds **moved** to approve the minutes of January 27, 2022. Dennis Long **seconded** the motion. The motion passed with all in attendance voting in the affirmative.

MINUTES APPROVED

Mayor Baker asked if anyone had anything they wanted to follow up on from the previous meeting. Nothing was brought forward.

FOLLOW UP ITEMS FROM PREVIOUS MEETING

Nikki Kay presented the bills for payment in the amount of \$44,435.95. Dennis Long **moved** to approve the amount of \$44,435.95. Robert Hall **seconded** the motion. The motion passed with the following roll call vote:

APPROVAL OF THE BILLS

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye

Kenneth Reynolds Aye
Gordon Kitchen Aye

Nikki Kay presented the business license application of **360 Sports**, located at 540 S Wright Brothers Dr., for approval. The business is a sports facility available for rent to teams who need a place to practice. Nikki stated the license was recommended for approval by Dale Peterson. Mayor Baker asked about a sales tax number and recommended approval based on whether or not the company can provide documents stating they do or don't need a tax ID number. Dennis Long **moved** to approve the business license on the condition of information about a sales tax number. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

***BUSINESS LICENSE
APPROVAL***

Troy Ostler with Civco Engineering came before the Council to present a change order for the 2000 East road project. Mr. Ostler explained the change order was for \$95,000. He stated the change order was given to Micheal Davis to sign but he wanted it brought before the Council. Mr. Ostler explained the changes were due to the change in scope, the public meetings, and the gulches. He said the change order was anticipated but he didn't communicate very well to Mike that it was coming. It was explained that obtaining the right-of-way for properties along the gulches was a more feasible alternative than the retaining walls. Councilman Kitchen raised a question about the need to notify the Core of Engineers as they go through those gulches. Mr. Ostler said they have had those discussions and they've sized the wetland impacts and they will stay within the Core's parameters to make it as easy as possible. He said they've had those delineated by their sub consultants and they know what they have to do. Mr. Ostler said it is prepared and ready to submit, they just can't do it without the change order. Councilman Kitchen wanted to know if they see any issues with it. Mr. Ostler said they do not. Bret Reynolds stated they did the delineation early enough in the year that it helped there not be any problem. He also said they are really close in getting the right-of-way submitted to UDOT. Councilman Hall wanted to know when they would hear from UDOT on the match. Micheal said it has been through the subcommittee and passed, and it was probably the harder one. He said the next one will be the legislative process and it will be reviewed in March. Robert Hall **moved** to approve the change order as presented. Dan Olsen **seconded** the

***2000 EAST CHANGE
ORDER APPROVAL AND
UPDATE ON PROJECT***

motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Mr. Ostler stated they are still anticipating being able to start on the project mid summer.

Jessy McKee came before the Council again to discuss his sign on Hwy 40. Mr. McKee stated they are all familiar with this issue. He said Micheal has tried to work with him on this but he has to do what the Council says. Mr. McKee said he never wanted his old sign taken down and he had nothing to gain by it. He said the people at Mtn West took his sign down to make room for their new sign and they did it because they were told by Mr. Peterson that it was okay to take it down. He said that was his first indication that there might be a problem. Mr. McKee stated that he has tried to reach out to members of the Council to discuss this and some of them have been good at getting back to him. He said he met with the Mayor and felt like he was told it would be okay to put his sign back up. He said he would not be building anything different, just replacing what he already had. Mr. McKee said he was very frustrated when he learned the other sign that was given to him by Mtn West was not considered to be owned by him and that he could only use it for two years. Mr. McKee said he understands the City has rules and codes they have to follow but felt like the City should work with him to have use of his sign. He couldn't understand why they can't work through something that is this simple and he felt stuck and didn't know what to do. He asked the Council to make a decision so he knew which direction he needed to move. Mr. McKee said he is not willing to give up something he feels like he had and never wanted to move and lost in a day. Mayor Baker thanked Mr. McKee for coming. He said, as it stands now, the decision he received is final and they won't go against what is in the ordinance. Mayor Baker said the letter listed what his options are. Mr. McKee wanted to know why he was never told everything in the beginning. He felt like the Mayor told him in a meeting that there was no issue and he could go ahead. He said if he had the money that Reagan Sign has, he would have a billboard. Mr. McKee said it's not fair and it's not right. Mayor Baker said there is a process to go through with

***CITIZEN REQUEST TO
ADDRESS COUNCIL
REGARDING SIGN***

the Planning Commission. Mr. McKee said he was on the agenda and went to them in the very beginning and was told he needed to go to City staff. He said he did that and that was all before the sign came down. Mayor Baker said he didn't want to argue about it and if Mr. McKee wanted to go to the Planning Commission and request a billboard or a change to the ordinance, he could do that. Mr. McKee said if they would give him whatever paperwork he needed he would get started right now. Mayor Baker said the Council made the decision to have no new billboards. Mr. McKee stated it was not a new one and wanted to know if he could put his old one back up. Mayor Baker said he would need to get the permission of the landowners and make sure that goes through the Planning Commission. Mr. McKee wanted to make sure he understood what the Mayor was asking, he should get with Mike Davis to apply to put the billboard up, then if he is not allowed he would take steps to change the ordinance and get a recommendation from the Planning Commission and then it would go to City Council? He asked how likely it would be that a change would happen. Mayor Baker said he didn't know, there is always a possibility. Mr. McKee wanted to know if the City should take any responsibility in this as the building department should have led him that way or city staff should have directed him in that direction. He asked if they understood his frustration as he tried to find which way to go before the sign came down. He feels like the City should take some responsibility as he tried to find out what to do. Mr. McKee said he feels like he already tried to do the process and if he tried again he would end up in the same spot. Mr. McKee wanted to know why he can't have continued use of the sign if he was allowed to use it for two years, why not continuous. Mayor Baker said as far as the City goes, the letter he received is final unless Mr. McKee wants to start that process.

Council members were given a draft copy of Resolution 22-339 for their review. The resolution addresses the issue of bringing an end to the "possibility of reverter" stipulations attached to the self-help housing lots in Pheasant Run. Micheal Davis said he had just a couple of changes to suggest on the draft. He wanted to add UBAOG to the first "whereas" clause right before "self-help housing." He also pointed out a spelling error in the next paragraph that needed to be corrected. Councilman Kitchen wanted to know where the date of 2027 came in, he thought they talked about having this end in ten years and the resolution has it at fifteen. Micheal said that is what Mr. Judd put in,

***REVIEW DRAFT
RESOLUTION 22-339
REGARDING SELF-HELP
HOUSING LOTS IN
PHEASANT RUN***

they can change it if that is what is decided. Mayor Baker said he was concerned that this was Federal money and it can't just be deposited back into the City, it might need to be used for something similar. Mayor Baker said the money is administered through UBAOG and he spoke with Laurie at UBAOG and he stated she was concerned with the City going on a short time frame that someone could turn it around into a rental. Councilman Kitchen said he would like to see all of that in writing and would be fine with giving the money back to UBAOG. He said if they are giving it back he would rather see it go back in ten years rather than string it out, and you couldn't even buy a lot for that amount right now. Councilman Olsen wanted to know where the money is right now that was paid. Micheal said it's just in the bank but on the budget it's listed under a restricted account. Mayor Baker said he feels like Mr. Judd's concern is with the two lot owners who have already paid and if the City washes it away too quickly, is the City being fair. Councilman Olsen wanted to know what the City gains by holding onto the money five extra years. Councilman Reynolds felt like what they gain is, Mr. Judd would find it easier to defend it if the need arose. Mayor Baker said the City applied for the funds when they were available and thought they were helping people out and helping to move the subdivision along. Micheal said this was a lien put on by the City, not by UBAOG. Mayor said yes but it's Federal money. Councilman Hall said the real question for UBAOG is, what is the value or when is the value complete? Nikki asked why the City was asking UBAOG about the money when it was the City who put the stipulations on the property. Mayor Baker said because the City went through that process to get the money and they need to find out what we can do with the money. Councilman Kitchen questioned what Ms. Brummond told the Mayor. Mayor Baker said she didn't tell him what the City has to do, she just told him there were strings tied to the money. Councilman Long said to find out what those strings are. Councilman Kitchen said he would like to recommend ten to twelve years for the Resolution, find out what they can do with the money, and be done with it. He said they have one owner that is trying to put their property in a trust and it would be nice to clean this up. Councilman Kitchen said he would rather see them go to twelve years and to put the date of September 1, 2024. Micheal said it may help if anyone else goes to sell if the finance companies know there is an end date. It was also discussed if the money already collected could go back into the rehab grants and loans the City used to do. No action was taken on this matter.

Ryan Cook wanted the Council to know that over a year ago, Joshua Bake submitted a Trails Plan for the City as he was serving with the Dino Trails Committee. Ryan stated they submitted a trail going from 1500 South out to Buckskin Hills and it was at the bottom of the list. He said within the last two months that trail has jumped back to the top of the list. Ryan reported the Trails Committee is doing a feasibility study to try and see if it would be a good project. He said part of the discussions have been to put in fixed telescopes along the trail and see if local businesses would sponsor the point-of-interest stops. Councilman Hall asked about the dug way and whether or not it could be made wider. Ryan stated it would be difficult to do that and because of that, there would be times the trail might go into the road. Ryan said they are trying to go after some grants to help with this.

DEPARTMENT REPORTS

Chief Simper apologized for coming in late but wanted the Council to know he was working with the Uintah Basin Narcotic Strike Force and through some information that was obtain they were able to make a traffic stop on a vehicle that was carrying 2.1 pounds of methamphetamine. He said this has been a major distributor that has been coming into the boarder of Naples and Vernal City. Chief Simper said he wanted to report that so the Council could see the money being put into the Strike Force is being put to good use. He said they are out there and are trying to pull these drugs off the street. Councilman Long wanted to know if these drugs are being used in this area. Chief Simper stated, absolutely.

Micheal Davis reported him and Szeth met with the Recreation District to share information with them about the 24th of July celebration at the Naples Park. He said the Recreation District agreed to a free day at the Splash Park for that day and they also reserved the other pavilion for the City on that day.

There was nothing brought forward under other matters or future council matters.

OTHER MATTERS AND FUTURE COUNCIL MATTERS

With no other business before the Council, Kenneth Reynolds **moved** to adjourn the meeting at 8:40. Dennis Long **seconded** the motion. The meeting was adjourned by all voting in favor of the motion.

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 24th DAY OF FEBRUARY 2022

BY: _____

ATTEST: _____